

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TOMMY HALL,

Plaintiff,

v.

Case Number 09-10933
Honorable David M. Lawson
Magistrate Judge Mark A. Randon

RAJA, JANY SHARPLEY, RAWAL,
CORRECTIONAL MEDICAL SERVICES, INC.,
and PRISON HEALTH SERVICES, INC.

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS,
GRANTING DEFENDANT RAJA'S MOTION FOR SUMMARY JUDGMENT,
DENYING DEFENDANTS RAJA AND PRISON HEALTH SERVICES' MOTION TO
DISMISS, AND DISMISSING CLAIMS AGAINST DEFENDANT RAJA ONLY**

Presently before the Court are two reports issued on July 5, 2012 by Magistrate Judge Mark A. Randon pursuant to 28 U.S.C. § 636(b). The first recommends that this Court grant defendant Raja's motion for summary judgment; the second recommends that this Court deny defendants Raja and Prison Health Services, Inc.'s motion to dismiss. Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, no objections have been filed thus far. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendations [dkt. #153, 154] are **ADOPTED**.

It is further **ORDERED** that defendant Raja's motion for summary judgment [dkt. #132] is **GRANTED**.

It is further **ORDERED** that defendants Raja and Prison Health Services, Inc.'s motion to dismiss [dkt. #112] is **DENIED**.

It is further **ORDERED** that the plaintiff's claims are **DISMISSED** with respect to defendant Raja **only**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: July 27, 2012

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on July 27, 2012.

s/Deborah R. Tofil
DEBORAH R. TOFIL